

## Article - Environment

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§9–204.

(a) This section applies to any water supply system, sewerage system, refuse disposal system that is for public use, or any refuse disposal system that is a solid waste acceptance facility as defined in § 9–501(n) of this title if the solid waste acceptance facility is installed, altered, or extended after July 1, 1988.

(b) (1) The Secretary may adopt reasonable and proper regulations for submission of plans. These regulations may include the collection of a fee at the time of application for:

(i) A permit issued under this section for a privately owned water supply or sewerage system; or

(ii) A permit applied for by a local unit of government for a privately financed water supply or sewerage system.

(2) The Secretary shall provide the regulated community an opportunity to participate in the rate setting and regulatory processes.

(c) (1) Before a person draws plans or submits an application under this section for a proposed water supply system, sewerage system, or refuse disposal system, the person may submit to the Secretary a preliminary statement on the proposed system.

(2) At the request of the person, the Secretary shall outline the general requirements that must be met before the Secretary would approve the proposed system.

(d) A person shall have a permit issued by the Secretary under this section before the person installs, materially alters, or materially extends a water supply system, sewerage system, or refuse disposal system.

(e) An applicant for a permit shall:

(1) Submit to the Secretary an application that contains:

(i) The complete plans and specifications for the installation, alteration, or extension of the water supply system, sewerage system, or refuse disposal system;

(ii) For any application related to any solid waste acceptance facility in the areas of Baltimore City designated by the United States Post Office as zip code numbers 21225, 21226, and 21230, a groundwater and surface water impact analysis prepared at the expense of the applicant regarding the proposed installation, alteration, or extension; and

(iii) Any other information that the Secretary requires;

(2) Submit to the Secretary any material change in the plans and specifications, with the reason for the change; and

(3) Pay the permit fee set by the Department.

(f) Results of any groundwater and surface water impact analysis required under subsection (e)(1)(ii) of this section may be a basis for the Secretary's denial of a permit.

(g) (1) When a person applies for a permit and pays the fee under this section, the Secretary shall:

(i) Examine the application without delay; and

(ii) 1. Approve the application and issue the permit;

2. Disapprove the application; or

3. State the conditions under which the Secretary would approve the application.

(2) The Secretary shall act within 30 working days after receiving an application and payment of fee for a permit under this section for a water distribution line or a sewage collection line.

(3) If the Secretary does not act within the time set by paragraph (2) of this subsection:

(i) The application is approved automatically; and

(ii) The Secretary shall issue a permit for the work.

(h) A person may not:

(1) Install, materially alter, or materially extend a water supply system, sewerage system, or refuse disposal system in this State except in accordance with a permit issued to the person by the Secretary under this section; or

(2) Embody any material change in construction until the Secretary has issued a revised permit based on the submission to the Secretary under subsection (e)(2) of this section.

(i) After a person completes work under a permit, the person shall submit to the Secretary for permanent record a certified copy of the plans that shows the work as built.

(j) An owner or operator of an incinerator may not accept more than 150 tons per day of special medical waste, as defined in Title 26, Subtitle 13, Chapter 11 of the Code of Maryland Regulations.

(k) (1) The Secretary may not issue any permit, including a permit under subsection (d) of this section or § 7-232 of this article, to construct or operate a municipal waste incinerator for disposal of a solid waste stream, as defined in § 9-1701 of this title, within 1 mile of a public or private elementary or secondary school.

(2) A person may not construct or operate a municipal waste incinerator for disposal of a solid waste stream, as defined in § 9-1701 of this title, within 1 mile of a public or private elementary or secondary school.

(3) This subsection may not be construed to prohibit:

(i) The operation, construction, reconstruction, replacement, expansion, and material alteration or extension of an incinerator that was operating as a resource recovery facility on January 1, 1997; or

(ii) The issuance of permits necessary for the operation, construction, reconstruction, replacement, expansion, and material alteration or extension of an incinerator that was operating on January 1, 1997.

(l) (1) The Secretary may not issue any permit, including a permit under subsection (d) of this section, to construct or operate a transfer station in Prince George's County for disposal of solid waste within 2 miles of Bowie State University.

(2) A person may not construct or operate a transfer station in Prince George's County for the disposal of solid waste within 2 miles of Bowie State University.

(3) This subsection may not be construed to prohibit:

(i) The operation, construction, reconstruction, replacement, expansion, or material alteration or extension of a transfer station that was operating on January 1, 2000; or

(ii) The issuance of a permit that is necessary for the operation, construction, reconstruction, replacement, expansion, or material alteration or extension of a transfer station that was operating on January 1, 2000.

(m) The Secretary may not issue any permit under this section to construct or operate a landfill within 4 miles of Unicorn Lake in Queen Anne's County, within 1 mile of the Piscataway Creek, a Piscataway Creek tributary, or the Mattawoman Creek, or within 1 mile of any other tributary in Prince George's County that flows directly or indirectly into the Potomac River.

(n) (1) In this subsection, "trade secret" has the meaning provided in § 11-1201 of the Commercial Law Article.

(2) The Department shall prepare an annual report identifying the amount of solid waste by weight or volume, disposed of in the State during the previous year.

(3) The report required under paragraph (2) of this subsection shall identify:

(i) The following solid waste categories:

1. Construction and demolition debris;
2. Incinerator ash;
3. Industrial waste;
4. Land clearing debris;
5. Municipal solid waste; and
6. Any other solid waste identified by the Department;

(ii) The amount of solid waste disposed of in the State that is generated outside of the State;

(iii) The jurisdictions where the solid waste originated;

(iv) The amount of solid waste generated in the State that is transported outside of the State for disposal; and

(v) An estimate of the amount of solid waste managed or disposed of by:

1. Recycling;
2. Composting;
3. Landfilling; and
4. Incineration.

(4) (i) All permitted solid waste acceptance facilities shall at least annually provide to the Department information that is necessary to prepare the report required under paragraph (2) of this subsection.

(ii) Under subparagraph (i) of this paragraph, a facility owner may provide the following information:

1. An accounting of the facility's economic benefits provided to the locality where the facility is located;
2. The value of disposal and recycling facilities provided to the locality at no cost or reduced cost;
3. Direct employment associated with the facility; and
4. Other economic benefits resulting from the facility during the preceding calendar year.

(5) Beginning September 1, 2000, the Department shall annually submit, in accordance with § 2-1257 of the State Government Article, a report of the activities undertaken and the progress made in accordance with this section to:

- (i) The House Environmental Matters Committee; and
- (ii) The Senate Education, Health, and Environmental Affairs Committee.

(6) A facility owner is not required to provide information under paragraph (4) of this subsection that is a trade secret.

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